

THE
LIBERTIES

AND

James Wright

CUSTOMES

OF THE

LEAD-MINES

Within the Wapentake of

WIRKSWORTH

In the County of

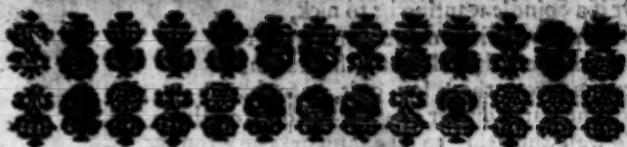
DERBY,

Part thereof appearing by extracts from
the Bundels of the Exchequer, and Inquisitions
taken in the XVIth year of the Reign of King
Edward the First, and in other Kings
Reigns, and continued ever since.

Composed in Meeter by EDWARD MANLOVE Esq;
heretofore Steward of the Barghmoot Court for the Lead-
mines within the said Wapentake.

LONDON, Printed Anno Dom. 1653.





*The Liberties and Customs of the Lead
Mines, within the Wapentake of
Wirksworth in the County of Der-
by; Composed in Meeter by Ed-
ward Manlove Esquire, hereto-
fore Steward of the Barghmoot
Court for the Lead Mines with-
in the said Wapentake.*



Y custom old in *Wirksworth* Wapentake,
If any of this Nation find a Rake,
Or sign, or leading to the same; may set
In any ground, and there Lead-ore may
get:

3 & 4 Phil. &
Mar. Art. 4.

They may make crosses, holes, and set
their Stowes,

16 E. 1. cap. 3.

Sink shafts, build Lodges, Cottages or Coes.

But Churches, houses, gardens, all are free

From this strange custom of the Minery.

A cross and hole a good possession is

But for three dayes, and then the custom's this,

3 E. 6. Art. 4.
Phil. & Mar.
Art. 11.

To set down stowes, timber'd in all mens sight,

Then such possession stands for three weeks right,

If that the stowes be pinned and well wrought,

Phil. & Mar.
Art. 11, & 12.

With yokings, sole-trees, else they stand for nought;

A 2

Or

3 Ed. 6. c. 2.

Or if a Spindle wanting be to nick,
 *T is no possession, no not for a week:
 But may be lost, and by another taken,
 As any Grove that's left, quit, or forsaken:
 For the Barghmaster (by the custom) ought
 To walk the field, to see that works be wrought,
 And on the Spindle ought to set a nick,
 If that the grove unworked be three week,
 And every three weeks, until nine weeks end,
 To nick the Miners Spindles that offend:
 And when the Spindle nicked is three times,
 According to the Custom of the Mines,
 Then the Barghmaster may the Stowes remove,
 And he that set them loseth the same grove:
 Unless the work by water hinder'd be,
 Or else by wind, the Miner then is free
 From losing any meer of ground or grove,
 For then such Stows none ought for to remove;
 And the Barghmaster ought to make arrest,
 Upon complaint, if Mines be in Contest,
 Receiving Four pence for his lawfull Fee,
 That the next Court the wrong redress'd may be.

16 Ed. 6. c. 2.

The Vulgar term is, setting for a Mine,
 For th^e grace of God, and what I there can find;
 And then at him some other Miners take,
 And gain possession in the self-same Rake:
 Another Miner for a Crosse-vein sets,
 Some take at him, and their possession gets,
 Some take for one thing, some for other free,
 As new thing, old thing, Crosse-vein, Tee, or Pee.

16 Ed. 1. c. 1.

Art. 1.

3 Ed. 6. Ar. 11.

3. & 4. Phil.

& Ma; Ar. 20.

16 Ed. 1. c. 2.

3 Ed. 6. Ar. 15.

3. & 4. Ph. &

Ma; Ar. 21.

But yet a difference may be taken clear,
 Betwixt a founder, and a taker meer;
 Because the finder, that doth find a Rake,
 May have two meers mer, and set out by stake,
 Which is in length twice Eighty seven foot,
 And so is to be measur'd and laid out.
 But first the finder his two meers must free
 With oat there found, for the Barghmasters fee,

Which

Which is one dish for one meer of the ground,
 The others free; because the Miner sound;
 But by incroachment they do two demand;
 And wrong the Miner, which they might withstand;
 Then one half meer at either end is due,
 And to the Lord or Farmers doth accrew;
 And if two Founders in one Rake be set,
 Perchance the Farmers may a Prim-gapp get:
 Then must the Miners chase the stole to th' stake,
 From meer to meer, and one at other take:
 Each taker gains a meer, no more he can
 Have that finds oar in working an old man.
 And he (by Custome) that his mine doth free,
 A good estate thereby doth gain in Fee;
 And if he die, and leave behind a wife,
 The Custome doth endow her for her life;
 But if the grove be lost forwant of Stows.
 Or forfeited, her Dower she doth lose.
 By word of mouth eke any Miner may
 Such Fee and Freehold freely give away.
 Egres and regres to the Kings high way
 The Miners have, and lot and Cope they pay.
 The thirteenth dish of oar within their mine,
 To th' Lord for Lot they pay at measuring time;
 Six pence a Load for Cope the Lord demands,
 And that is paid to the Barghmasters hands.
 A gainst good times the Lord ought to provide
 A lawfull measure equal for both sides,
 Both for the Buyer and the Sellers use,
 And forfeits forty pence if he refuse;
 And he that sels by any other dish,
 His oar so sold thereby forfeited is;
 Small parcels yet poor men may sell for need,
 If they cannot procure the dish with speed;
 Provided always, that to Church and Lord,
 They pay all duties Custome doth afford,
 For which the Vicar dayly ought to pray
 For all the Miners that such duties pay.

16 Ed. 1. Ar. 1

3 & 4 Ph. &

Ma. Ar. 30.

16 Ed. 1. c. 1.

16 Ed. 1. c. 1.

16 Ed. 1. Ar. 9.

Ibid.

3 Ed. 6. Ar. 1.

Ar. 6.

3 Ed. 6. Ar. 3.

3 & 4 Ph. &

Ma. Ar. 13. &

3 Ed. 6. Ar. 4.

3 & 4 Ph. &

Ma. Ar. 6.

And reason good, they venture lives full dear
 In dangers great; the Vicars tyth comes clear;
 If Miners lose their Lives, or Limbs, or Strength,
 He loseth not, but looketh for a Tenth;
 But yet methinks if he a Tenth part claim,
 It ought to be but a Tenth of clear gain,
 For Miners spend much moneys, pains, and time,
 In sincking shafts before Lead ore they find,
 And one in Ten scarce finds, and then to pay
 One out of Ten, poor Miners would dismay.

An admonition
 to the Mi-
 nisters that re-
 ceive Tyth of
 Lead ore.

3 Ed. 6. Ar. 9.
 3 & 4 Ph. &
 Ma. Ar. 16.

But use them well, they are laborious men,
 And work for you, you ought to pray for them.
 And sute for oar must be in Barghmoot Court,
 For Iustice thither Miners must resort;

3 Ed. 6. Ar. 20.
 3 & 4 Ph. &
 Ma. Ar. 36.

If they such Sutes in other Courts Commence
 They lose their due oar-debt for such offence,
 And must pay Costs, because they did proceed
 Against the Custom; Miners all take heed.

No man may sell his grove that's in contest
 Till Sute be ended, after the arrest
 The sellers grove is lost by such offence,
 The buyer fined for such maintenance.

16 Ed. 1. c. 2.

3 Ed. 6. ar. 10.

3 & 4 Ph. &

Ma. ar. 19.

3 & 4 Ph. &

Ma. Ar. 36.

33.

And two great Courts of Barghmoot ought to be

In every year upon the Minery,

To punish Miners that transgress the Law,

To Curb Offenders, and to keep in awe

Such as be Cavers, or do rob mens Coes,

Such as be pilferers, or do steal mens stows;

To order grovers, make them pay their part,

Joyn with their fellows, or their grove desert,

To fine such miners as mens groves abuse,

And such as orders to observe refuse;

Or work their meers beyond their length and stake,

Or otherwise abuse the Mine and Rake,

Or set their stowes, upon their neighbours ground,

Against the Custom, or exceed their bound,

Or Purchasers that Miners from their way,

To their Wash-troughs do either stop or stay;

3 & 4 Ph. &
 Ma. Ar. 31.

3 & 4 Ph. &
 Ma. Ar. 4 & 5.

Or digg, or delve, in any mans Bing-place;
 Or do his stows throw off, break, or desace:
 To fine offenders that do break the peace,
 Or shed mens bloud, or any tumults raise,
 Or weapons bear upon the Mine or Rake,
 Or that possessions forcibly do take,
 Or that disturb the Court, the Court may fine
 For their contempts (by custom of the Mine)
 And likewise such as dispossessed be,
 And yet set stowes against authority;
 Or open leave their Shafts, or groves or holes,
 By which men lose their Cattel, sheep, or soles:
 And to lay pains, that grievance be redress'd,
 To ease the burdens of poor men oppress'd.
 To swear Barghmasters, that they faithfully
 Perform their duties on the Minery,
 And make arrests, and eke impartially
 Impannel Jurors, causes for to try;
 And see that right be done from time, to time,
 Both to the Lord, and Farmers, on the Mine.
 To swear a Jury for a half years time,
 (By Custom call'd) the Body of the Mine,
 Who Miners are, and Custom understand,
 And by the Custom they have some command.
 They may view groves, when Miners do complain,
 Relieve the wronged, wrong-doers restrain.
 They may view Trespas done in any grove,
 Value the Trespas, Trespassers remove.
 They may lay pains that workmanship be made,
 And fines impose, if they be not obey'd.
 They may cause open'd, Drifts, and Sumps, to see
 If any one by other wronged be.
 When strife doth rise in groves, the Miners all
 These four and Twenty Miners use to call,
 To make inquiry, and to view the Rake,
 To plum and dyal (if beyond the stake)
 A meer be wrought, and Miners wronged be;
 For by that art they make discovery.

3 & 4 Ph. &
Ma: Art. 4.

5.
16 Ed. 1. c. 3.

3, & 4 Ph.
& Ma, ar. 18.

1. & 4. Ph. & Ma. ar. 19. The Steward ought a Three weeks Court withall;
 1. & 4. Ph. & Ma. ar. 29. To keep at *Wicks Worth*, in the Barghmoot hall,
 For hearing Causes (after the arreits)
 And doing right to them that be oppress.
 And if the Barghmaster make an arrest,
 The Steward may (at the Plaintiffs request)
 Appoint a Court, for trial on the Rake,
 Within Ten days, that th' Jury view may take.
 3. & 4. Ph. & Ma. ar. 8. And for attendance there, the Steward he,
 By Mineral Custom, hath a Noble fee:
 Four shillings to the Jury must be paid,
 Who for that cause were summon'd and array'd.
 And if a verdict be for th' Plaintiff found,
 The Barghmaster delivers him the ground;
 And if the adverse party him resist,
 The four and Twenty ought him to assist;
 Then may he work (by Custom) without let,
 3. Ed. 6. Ar. 13. Till the Defendant do a Verdict get:
 Then the Barghmaster ought to do him right,
 Him to restore unto his antient plight;
 But if three Verdicts for the Plaintiff's found,
 By Custom the Defendants all are bound;
 So if three Verdicts with Defendants go,
 The Plaintiffs are (by Custom) bound also,
 And neither side may make a new arrest
 For the same title that was in Contest;
 But yet the Dutchie Court, (if just cause be)
 May yield relief against those Verdicts three:
 Or by Injunction parties all injoyn
 From getting Oar, in such a meer, or Mine,
 Until the cause be heard, and there appear
 A title just for them that worked there,
 Or may appoint a Steward, that may try
 The Cause again upon the Minery,
 And may lequester any such Lead mine,
 Until the title shall be try'd again.
 3 & 4 Ph. & Ma. Ar. 8, & 29. And if the Plaintiff chance non-sure to be,
 He payes a Noble for a penalty;

For which (by Custom) Barghmasters disstrain,

The party non-sute that must pay the pein.

No Miners Timber, Pick, or lawfull Stows,

May be removed from their ground or Coes;

If by mischance a Miner damped be,

Or on the Mine be slain by Chance-medley,

The Barghmaster or else his Deputie

Must View the Corps before it buried be,

And take inquest by Jury, who shall try

By what mischance the Miner there did die;

No Coroner or Escheton aught may do,

Nor of dead bodies may not take their view.

For stealing oar twice from the Minery,

The Thief that's taken fined twice shall be,

But the third time that he commits such theft,

Shall have a Knife struck through his hand to th' harts,

Into the Stow, and there till death shall stand,

Or loose himself by Cutting loose his hand;

And shall forswear the franchise of the Mine,

And always lose his freedom from that time.

No Miner ought of an old man to set

To seek a Lead-mine, or Lead oar to get,

Untill the Burghmaster a view hath taken,

And find such work an old work quite forsaken;

With him two of the body of the Mine

To take such view (by Custom) ought to joyn;

Which being done, the Miner may go on

To sink, and free his meer (the Lord hath none;)

If oar be found, the fruit of his desire,

And woughs be strete, the Miner then may fire,

Yet not at all times of his own accord;

But at such times as Custom doth afford,

In th'afternoon, and after four a clock,

He may make fire on the Ragged Rock;

But first he must give notice (lest the smoak

In other groves) his fellow Miners Choak;

And after notice, if they careless be

And lose their lives, the firers shall go free.

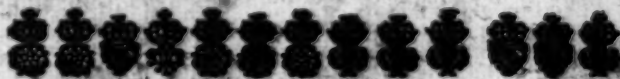
3 Ed. 6. Ar. 17. If Miners groves arrested be, yet they
 3 & 4 Ph. & Go on and work, the arrest must make no stay.
 Ms. Ar. 24. But for oar got before the tryal be,
 The Barghmaster must take security,
 And at next Court all parties do appear,
 And the arrest must be returned there,
 And then, and there the Cause must tryed be,
 Before the Seward of the Minery.
 Most of the Customes of the Lead-mines, here
 I have describ'd, as they are used there,
 But many words of art you still may seek,
 The Miners Terms are like to Heathen Greek,
 Both strange and uncouth, if you some would see,
 Read these rough verses here Compos'd by me.

Bunnings, Polings, Stemples, Forks, and Slider,
 Stoprice, Yokings, Solstrees, Roach, and Ryder,
 Water holes, Wind holes, Veyns, Coe-shafts and Woughs,
 Main Rakes, Cross Rakes, Brown-benns, Budles and Soughs,
 Break-offs, and Buckers, Random of the Rake,
 Freeing, and Chasing of the Scole to the Stake,
 Starting of oar, Smilting, and driving drifts,
 Primgaps, Roof works, Flat works, Pipe works, Shifts,
 Cauke, Sparr, Lid-stones, Twitches, Daulings, and Pees,
 Fell, Bous, and Knock-barks, Forstid-oar, and Tees,
 Bing-place, Barmont Court, Barghmaster, and Stowes,
 Crosses, Holes, Hange-benches, Turntree, and Coes,
 Founder-meers, Taker-meers, Lot, Cope, and Sumps,
 Stickings, and Stringes of oar, Wash-oar and Pumps,
 Corfes, Clivies, Deade, Meers, Growts, Rake-soll, the Gange,
 Binge-oar, a Spindle, a Lamoturn, a Fange,
 Fleaks, Knockings, Coefsid, Trunks and Sparks of oar,
 Sole of the Rake, Smytham, and many more.

This have I written for the Miners sake,
 That Miners are in *Wich Wapentake*;
 Perchance if these few lines accepted be,
 An exposition may be made by me.

Of Mineral Tearms, to most men now abstruse;
 Which by expounding may be of more use;
 But for the present, I commit to view
 This little book, the Mineral Law to shew;
 Which antient Custom hath confirm'd to them
 That Miners are, and poor laborious men;
 And much desire this Custom to present,
 Unto the worthies of the Parliament,
 And humbly pray, that they for justice sake,
 Will them confirm in *Wirksworth* Wapentake.

Good Reader spare me if I thee offend
 With this strang Custom which I here have pend;
 But Miner read me, take me for thy friend,
 Stand to thy Custom, thus my Poem end.



FINIS.

